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In re Application of BIGGADIKE et al
U.S. Application No.: 10/533,168
PCT Application No.: PCT/EP2003/012161
Int. Filing Date: 30 October 2003
Priority Date Claimed: 01 November 2002
Attorney Docket No.: PG5019USw
For: PHENYLETHANOLAMINE
DERIVATIVES . . .

DECISION

This is in response to applicant's "Petition to Withdraw Notice of Abandonment" filed 24 January 2008, which is being treated under 37 CFR 1.181.

BACKGROUND

On 30 October 2003, applicant filed international application PCT/EP2003/012161, which claimed priority of an earlier United Kingdom application filed 01 November 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 13 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 01 May 2005.

On 29 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 March 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 March 2006, applicant purportedly filed an executed declaration via facsimile.

On 22 January 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 24 January 2008, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition includes a copy of a USPTO-generated auto-reply facsimile transmission which sufficiently demonstrates that the declaration was filed on the date alleged.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 22 January 2008 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 29 March 2006 is improper. In particular, the declaration consists of one each of pages 1, 3, and 4 and two of page 2. It is not acceptable to combine the respective signature pages of different declarations into a single document. Applicant must submit either: (1) a single complete declaration which is presented to and executed by all of the inventors or (2) multiple complete declarations, each of which is presented to and executed by at least one of the inventors, such that each inventor executes at least one of the multiple complete declarations.



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